

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. 1:15-CR-00033-3
vs.) (RJA) (HBS)
RODERICK ARRINGTON,) September 13th, 2022
Defendant.)

TRANSCRIPT OF CONTINUATION OF
JURY TRIAL TESTIMONY OF DAMARIO JAMES
BEFORE THE HONORABLE RICHARD J. ARCARA
SENIOR UNITED STATES DISTRICT JUDGE

APPEARANCES:

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09:21AM 1 (All jurors present in room at 9:21 a.m.)

09:22AM 2 THE COURT: All right. We're all here. Have the

09:22AM 3 witness return to the witness stand.

09:22AM 4 MR. LENIHAN: Yes, Your Honor.

09:23AM 5 (The witness entered the room at 9:23 a.m.)

09:23AM 6 THE COURT: Mr. Arrington?

09:23AM 7

09:23AM 8 CROSS-EXAMINATION

09:23AM 9

09:23AM 10 BY THE DEFENDANT:

09:23AM 11 Q. Yesterday, I was asking you questions about your prior

09:24AM 12 history and your current criminal charges. Yesterday, you

09:24AM 13 testified in front of the Grand Jury that you never got

09:24AM 14 arrested for a gun or wasn't expecting indictment. Did

09:24AM 15 anything change from yesterday?

09:24AM 16 A. No.

09:24AM 17 Q. You not -- you didn't get indicted for a weapon?

09:24AM 18 A. No.

09:24AM 19 Q. You get arraigned for a weapon?

09:24AM 20 A. No.

09:24AM 21 Q. That's your testimony, that you didn't get arrested,

09:24AM 22 wasn't questioned about a prior weapon possession?

09:24AM 23 A. Prior weapon possession?

09:24AM 24 Q. Yeah. You don't have a warrant for your arrest?

09:24AM 25 A. No.

09:24AM 1 Q. You never got a warrant?

09:24AM 2 A. No.

09:24AM 3 Q. Can we admit Exhibit 24B -- no, music -- 23T I think

09:25AM 4 that's it 23T, "Front Door"?

09:25AM 5 THE COURT: What are we talking about?

09:25AM 6 THE DEFENDANT: The music video. The album cover.

09:25AM 7 It's in evidence, Your Honor. I just want to put it on the

09:25AM 8 screen. I think it's 24B.

09:25AM 9 THE COURT: All right.

09:25AM 10 THE DEFENDANT: Album cover.

09:25AM 11 THE COURT: Okay.

09:25AM 12 BY THE DEFENDANT:

09:25AM 13 Q. You remember you testifying to this album cover

09:25AM 14 yesterday?

09:25AM 15 A. Yes.

09:25AM 16 Q. Could you tell the jurors what other rappers was involved

09:25AM 17 in this album; rappers that was involved? You see at the

09:26AM 18 bottom, can you named the rappers that was involved?

09:26AM 19 A. Yes, Waka Flocka, French Montana.

09:26AM 20 Q. Okay. Is they rappers, well-known rappers?

09:26AM 21 A. Yes.

09:26AM 22 Q. In, like, entertainment?

09:26AM 23 A. Yes.

09:26AM 24 Q. Okay. Is any of those drug dealers?

09:26AM 25 A. I can't say. They was just a feature in the music video.

09:26AM 1 I don't know they day-to-day. They don't live here. I don't
09:26AM 2 deal with them.

09:26AM 3 THE COURT: Mr. James, speak a little louder.

09:26AM 4 THE WITNESS: I don't know their day-to-day business
09:26AM 5 or what they do.

09:26AM 6 BY THE DEFENDANT:

09:26AM 7 Q. So, you testimony is that Waka Flocka and French Montana
09:26AM 8 is a part of this rap album and they're not a part of the
09:26AM 9 Schuele gang, is they?

09:26AM 10 A. No. They was paid to do a feature.

09:26AM 11 Q. They was paid to do a feature?

09:27AM 12 A. Mm-hmm.

09:27AM 13 Q. Did you have any knowledge that I was a body builder
09:27AM 14 model and I was paid to be inside this video and on the
09:27AM 15 cover? Do you have any knowledge of that?

09:27AM 16 A. No.

09:27AM 17 Q. So, you don't have any knowledge that I was always going
09:27AM 18 to the gym, working out, staying in shape to be a video model
09:27AM 19 and I was being paid to be in these videos?

09:27AM 20 A. No. We don't hang every day.

09:27AM 21 Q. I didn't hear you.

09:27AM 22 A. We don't hang every day.

09:27AM 23 Q. So, you admitted that we don't hang and we don't really
09:27AM 24 communicate, correct?

09:27AM 25 A. No. We don't really communicate. No.

09:27AM 1 Q. Okay. You said the guy with the Gucci hat on, where is
09:27AM 2 he from and what is his name?
09:27AM 3 A. That's Brill from Wilson.
09:27AM 4 Q. He's from Wilson. And he was -- do you know if he was
09:28AM 5 paid to be in the video or you have any knowledge of how he
09:28AM 6 got on that album cover?
09:28AM 7 A. No.
09:28AM 8 Q. No? You have no knowledge? And he's not a Schuele
09:28AM 9 Boy -- alleged Schuele Boy?
09:28AM 10 A. No.
09:28AM 11 Q. Okay. What's the name of the song that French Montana
09:28AM 12 was on?
09:28AM 13 A. French Montana was on "Bottles After Bottles".
09:28AM 14 Q. And what else?
09:28AM 15 A. I really didn't listen.
09:28AM 16 Q. And which was Waka Flocka was on?
09:28AM 17 A. Bottles. He was downtown during that performance.
09:28AM 18 Q. Okay. And he came to Buffalo and did concerts?
09:28AM 19 A. French Montana came to Rochester, then he came to Buffalo
09:28AM 20 to the club called the Basement.
09:28AM 21 Q. And that was to support Serious Black rap career,
09:29AM 22 correct?
09:29AM 23 A. Yes.
09:29AM 24 Q. Okay. You said you remember me from growing up on Carl
09:29AM 25 Street or Central Park neighborhood?

09:29AM 1 A. You stayed in my neighborhood a long time ago.

09:29AM 2 Q. What neighborhood is that?

09:29AM 3 A. Central Park area.

09:29AM 4 Q. Okay. So, your testimony today is that you remember that

09:29AM 5 I grew up in Central Park and was over there for a very long

09:29AM 6 time and that's my neighborhood, correct?

09:29AM 7 A. I can't remember how long ago or, like, how long you

09:29AM 8 lived over there.

09:29AM 9 Q. But that's where you remember me from originally? That's

09:29AM 10 where you first met me is Central Park area, right,

09:29AM 11 neighborhood?

09:29AM 12 A. Yes. I seen you over there.

09:29AM 13 Q. And that don't have any connection to Schuele area,

09:29AM 14 Delevan and Grider area, do it?

09:29AM 15 A. No. That's where you went later on around that area.

09:30AM 16 Q. That's where my mother moved to, correct, from Central

09:30AM 17 Park to Carl Street, right?

09:30AM 18 A. Yes.

09:30AM 19 Q. And that's just where my mother lived. Correct?

09:30AM 20 A. She lived there and you was around there.

09:30AM 21 Q. Okay. But that don't mean I'm from around there. Just

09:30AM 22 because I live somewhere don't mean I'm from over there,

09:30AM 23 correct?

09:30AM 24 THE COURT: Do you understand the question?

09:30AM 25 THE WITNESS: Yes, Your Honor. I understand, I

09:30AM 1 just --

09:30AM 2 THE COURT: Okay.

09:30AM 3 THE WITNESS: Just trying to process it. I would say

09:30AM 4 yes and no.

09:31AM 5 BY THE DEFENDANT:

09:31AM 6 Q. You testified yesterday about me being present during

09:31AM 7 cocaine being cooked up at a house on Courtland in 2011. Do

09:31AM 8 you know what date and month that was around?

09:31AM 9 A. No. I just know the summer time.

09:31AM 10 Q. It was the summer time. You don't know when?

09:31AM 11 A. No. I can't remember.

09:31AM 12 Q. Did you know what month I came home in 2011 after doing

09:31AM 13 five years in prison?

09:31AM 14 A. No. I just know it was summer.

09:31AM 15 Q. Okay. What date did Letorrance Travis get arrested for

09:31AM 16 his drug conspiracy?

09:31AM 17 A. I don't recall the date, but November was the month.

09:31AM 18 Q. November was the month 2011?

09:31AM 19 A. Yeah.

09:31AM 20 Q. And that's when he got busted with all his drugs right?

09:31AM 21 A. Yes.

09:31AM 22 Q. And that was a whole 'nother conspiracy, correct?

09:32AM 23 A. Yes.

09:32AM 24 Q. Right. Not this indictment. It was a whole another

09:32AM 25 conspiracy with two other coconspirators that they was

09:32AM 1 charged with, correct?

09:32AM 2 A. Yes.

09:32AM 3 Q. Okay. So, when Letorrance Travis got busted with all the
09:32AM 4 drugs in that drug conspiracy, was it any more drugs coming
09:32AM 5 in from Letorrance Travis?

09:32AM 6 A. No.

09:32AM 7 Q. 2011?

09:32AM 8 A. No.

09:32AM 9 Q. And everything stopped from that point out from 2011
09:32AM 10 until 2015 or '14 when you got indicted. There was no more
09:32AM 11 drugs coming from Letorrance Travis?

09:32AM 12 A. No. Wasn't no drugs coming from Letorrance Travis until
09:32AM 13 2013, not from him in 2013, but drugs came around in 2013.
09:32AM 14 Indictment happened in 2014.

09:32AM 15 Q. But Letorrance wasn't giving me any more drugs. It
09:33AM 16 stopped, right?

09:33AM 17 A. Yeah.

09:33AM 18 Q. And from 2011 to 2014, you got indicted, Letorrance
09:33AM 19 Travis wasn't selling any more drugs, correct?

09:33AM 20 A. Correct.

09:33AM 21 Q. Okay. What was your source of supply from 2011 after
09:33AM 22 Letorrance Travis until you caught your drug conspiracy?

09:33AM 23 A. Couple people, I would say, a few different people. It
09:33AM 24 was Robertson, a guy last name by Barnes and someone from
09:33AM 25 downtown.

09:33AM 1 Q. So, it wasn't Aaron Hicks, it wasn't --

09:33AM 2 A. Aaron Hicks was 2011.

09:33AM 3 Q. I'm talking about from after Letorrance Travis got

09:33AM 4 busted, he's done now. From 2011, until you got arrested for

09:33AM 5 your drug conspiracy, there was nobody -- there was no drugs

09:34AM 6 coming from Aaron Hicks, no drugs coming from Mr. Arrington,

09:34AM 7 no drugs coming from Marcel Worthy, correct?

09:34AM 8 A. Correct.

09:34AM 9 Q. Okay. So, when you testified when the government asked

09:34AM 10 you when you was involved if all the individuals involved

09:34AM 11 allegedly involved with Matt in 2012 and you testified and

09:34AM 12 said that you was still in the drug business from 2012 in

09:34AM 13 2012, that was false testimony, correct?

09:34AM 14 A. No. That's -- we went through that yesterday when we got

09:34AM 15 the years. The Judge had to go back through the transcripts

09:34AM 16 when I told him it was just the year that you saying that it

09:34AM 17 wasn't correct.

09:34AM 18 Q. So, when you gave that testimony saying that you was in

09:34AM 19 the drug trade with all those individuals in 2012, that was

09:35AM 20 false, correct?

09:35AM 21 MR. LENIHAN: Objection. Mischaracterization of

09:35AM 22 testimony.

09:35AM 23 THE COURT: Sustained.

09:35AM 24 BY THE DEFENDANT:

09:35AM 25 Q. So, you wasn't in the drug trade in any individual with

09:35AM 1 2012?

09:35AM 2 A. 2012, no drugs was around.

09:35AM 3 Q. Okay.

09:35AM 4 THE DEFENDANT: Yeah. What he was testifying about,
09:35AM 5 the video, "Front Door", Your Honor, can we admit music video
09:35AM 6 that's already in evidence? Can we put it on the screen 23T,
09:35AM 7 "Front Door"?

09:35AM 8 MR. LENIHAN: I think it's just 23.

09:36AM 9 (The recording was played.)

09:36AM 10 THE DEFENDANT: You can stop it. Can you rewind it?
09:38AM 11 What it say, come up on a mill, mess with me, come up on a
09:38AM 12 mill.

09:38AM 13 (The recording was played.)

09:38AM 14 BY THE DEFENDANT:

09:38AM 15 Q. Remember yesterday on direct examination, the government
09:38AM 16 asked you the lines of "fuck around with me, you gonna come
09:38AM 17 up on a mill" and you testified and said that that was a
09:38AM 18 million dollars, correct? That was your testimony yesterday,
09:38AM 19 correct?

09:38AM 20 A. You said what?

09:38AM 21 Q. Yeah. When the government asked you about those rap
09:38AM 22 lyrics, the line of, "fuck around with me, you gonna come up
09:39AM 23 on a mill", you testified and said that was a million dollars
09:39AM 24 correct?

09:39AM 25 A. Yeah. Come up on a mill.

09:39AM 1 Q. That was your testimony?

09:39AM 2 A. Yes. Come up with a million dollars.

09:39AM 3 Q. And you testified under oath and said that you'll come up
09:39AM 4 on a million dollars fucking with me, correct?

09:39AM 5 A. Yes.

09:39AM 6 Q. Prior testimony, you testified under oath --

09:39AM 7 THE COURT: Wait a second. Where are you reading
09:39AM 8 from? What are you reading from?

09:39AM 9 THE DEFENDANT: A prior --

09:39AM 10 THE COURT: Wait a minute.

09:39AM 11 THE DEFENDANT: -- proceeding.

09:39AM 12 THE COURT: If he says coming different, Mr. Foti
09:39AM 13 give the transcript. Show it to the witness. Ask him to look
09:39AM 14 at it and see whether it refreshes his recollection, whether
09:39AM 15 it's inconsistent or not, it will be up to the jury to decide.
09:39AM 16 We're not going to read any more testimony from prior
09:39AM 17 proceedings.

09:39AM 18 THE DEFENDANT: I wasn't going to do that, Your
09:39AM 19 Honor. You didn't give me a chance. He told me I had to do
09:40AM 20 it and I was going to do it the proper way just like you said.

09:40AM 21 THE COURT: All right. We'll let you -- I'll give
09:40AM 22 you some room to do what you want to do. Go ahead.

09:41AM 23 BY THE DEFENDANT:

09:41AM 24 Q. You testified at a prior proceeding under oath, Your
09:41AM 25 Honor. I want to show him 3502K. We on document 335, page

09:41AM 1 193 of 99, line 4 to 10. This is the prior testimony that
09:42AM 2 you testified under oath?

09:42AM 3 A. One ninety-nine?

09:42AM 4 Q. One ninety-three of one ninety-nine, line 4 to 10.

09:42AM 5 A. At the top right corner say page 553.

09:42AM 6 THE COURT: Just read it to yourself.

09:42AM 7 THE WITNESS: I don't see it. He says page 199. It

09:42AM 8 showing page 589.

09:42AM 9 THE DEFENDANT: Page 584.

09:42AM 10 THE COURT: Make sure you go exactly where he's

09:42AM 11 indicated. Right.

09:42AM 12 THE WITNESS: Yes. Five eighty-four. Which line?

09:42AM 13 BY THE DEFENDANT:

09:42AM 14 Q. Line 4 to 10.

09:43AM 15 A. I'm looking at it, but I don't know how this got typed
09:43AM 16 up.

09:43AM 17 Q. Does that refresh your recollection?

09:43AM 18 A. Yes, but this is like, a miss.

09:43AM 19 Q. But that was -- you was under oath. You testified under
09:43AM 20 oath at that proceeding, correct?

09:43AM 21 A. Yes.

09:43AM 22 Q. Okay. You testified at that proceeding:

09:43AM 23 Question. The line of, "fuck around with me, you gonna
09:43AM 24 come up on a mill". Did you remember that from the song?

09:44AM 25 A. Yes.

09:44AM 1 Q. Answer was, yes.

09:44AM 2 Question. What does that mean? Answer. You testified
09:44AM 3 under oath and said, you will end up dead. Question --

09:44AM 4 A. Yes.

09:44AM 5 Q. Mill referring to a handgun, a caliber -- 9 millimeter.

09:44AM 6 You testified and said, yes. That testimony is totally
09:44AM 7 different from what you testified to yesterday about this rap
09:44AM 8 video, correct?

09:44AM 9 A. Yes.

09:44AM 10 Q. Thank you. When you testified, you said after Letorrance
09:45AM 11 Travis arrest in 2011, everything broke up and they

09:45AM 12 separated. Can you tell the jury who separated, and what was
09:45AM 13 your connection to me from -- what was your connection to me
09:45AM 14 out of anything that you testified about with these drugs?

09:45AM 15 You said I was in the circle. Can you explain?

09:45AM 16 A. My connection to you? We don't have a connection.

09:45AM 17 Q. Thank you. Is you charged with RICO conspiracy?

09:46AM 18 A. No.

09:46AM 19 Q. You are not charged with RICO conspiracy at all, correct?

09:46AM 20 A. No.

09:46AM 21 Q. It me and you never had an agreement of anything
09:46AM 22 involving any RICO racketeering activity, correct?

09:46AM 23 A. No drugs.

09:47AM 24 Q. Was -- me and you never agreed to violate interstate
09:47AM 25 commerce through a pattern of racketeering activity?

09:47AM 1 A. No.

09:47AM 2 Q. Did me and you ever knowingly or willingly become a

09:47AM 3 member of an agreement in this indictment?

09:47AM 4 A. We're not on the same indictment.

09:47AM 5 Q. We're not on the same indictment, correct?

09:47AM 6 A. No.

09:47AM 7 Q. So, we never had any agreement, correct?

09:47AM 8 A. No.

09:47AM 9 Q. Me and you are not associates, correct?

09:47AM 10 A. No, just speak time to time. You know, whatever, just --

09:47AM 11 Q. You know what associate means; the definition?

09:48AM 12 A. You got friends. You got associates.

09:48AM 13 Q. Huh?

09:48AM 14 A. You got friends, and you have associates.

09:48AM 15 Q. But do the proper definition of associate --

09:48AM 16 A. No. You can elaborate for me.

09:48AM 17 Q. You mind if I give him the definition, Your Honor, of

09:48AM 18 what associate mean?

09:48AM 19 THE COURT: Ask the next question please.

09:48AM 20 BY THE DEFENDANT:

09:48AM 21 Q. Your testimony here that me and you never agreed to

09:48AM 22 commit any acts of racketeering activity in this indictment.

09:48AM 23 We never had agreement to commit any acts in this indictment?

09:48AM 24 A. No.

09:48AM 25 Q. You know what statute 2 is, aiding and abetting?

09:49AM 1 MR. LENIHAN: Objection. This is going to be within
09:49AM 2 Your Honor's province.

09:49AM 3 THE COURT: Sustained.

09:49AM 4 BY THE DEFENDANT:

09:49AM 5 Q. Me and you never had a connection in this drug
09:49AM 6 conspiracy, correct?

09:49AM 7 A. Yes.

09:49AM 8 Q. And we was never partners or colleagues in this drug
09:49AM 9 conspiracy or any RICO conspiracy, correct?

09:49AM 10 A. No.

09:49AM 11 Q. Me and you never did business together, correct?

09:49AM 12 A. No.

09:49AM 13 Q. And you testified today saying that I am from Central
09:50AM 14 Park. That's where you first met me. That's where you know
09:50AM 15 me from being from, correct?

09:50AM 16 A. Yes.

09:50AM 17 Q. And your testimony here today that you never got indicted
09:50AM 18 for a gun, and you don't have a warrant for your arrest,
09:50AM 19 correct?

09:50AM 20 A. Correct.

09:50AM 21 Q. That's your testimony today?

09:50AM 22 THE COURT: We have already gone into that.

09:51AM 23 THE DEFENDANT: No further questions.

09:51AM 24 THE COURT: All right. Mr. Lenihan?

09:51AM 25 MR. LENIHAN: Yes.

09:51AM 1 REDIRECT EXAMINATION

09:51AM 2

09:51AM 3 BY MR. LENIHAN:

09:51AM 4 Q. Mr. James, how are you doing today?

09:51AM 5 A. I'm doing fine.

09:51AM 6 Q. You first met the defendant when he was living in the

09:51AM 7 Central Park neighborhood?

09:51AM 8 A. Yes.

09:51AM 9 Q. Do you remember when he moved to Carl Street?

09:51AM 10 A. No. It was years later. I don't actually remember where

09:51AM 11 it was years later, though.

09:51AM 12 Q. Do you know how old he was?

09:51AM 13 A. I would say at that time when he moved? Teenage.

09:51AM 14 Q. You were asked about your plea agreement. Do you

09:51AM 15 remember that?

09:51AM 16 A. Yes.

09:51AM 17 Q. That you had pled guilty to what in federal court in

09:51AM 18 2016?

09:51AM 19 A. That was -- the guidelines I pled to was 33 to 41 or 41

09:52AM 20 to 51.

09:52AM 21 Q. When you were charged, was that -- were you charged as

09:52AM 22 part -- who were you charged with as part of that federal

09:52AM 23 charge?

09:52AM 24 A. Me and the Schuele Boys; me, Marcel Worthy, my cousin

09:52AM 25 Shawntorrian Travis, Robertson, and some more guys, about 13

09:52AM 1 other defendants.

09:52AM 2 Q. The people that you were charged with, was that the
09:52AM 3 people that had gone separate ways in 2011?

09:52AM 4 A. Yes.

09:52AM 5 Q. When Letorrance Travis was arrested in November of 2011,
09:53AM 6 did you have awareness as to where the kilograms of cocaine
09:53AM 7 came from?

09:53AM 8 A. Not actually where they came from, like what state, but
09:53AM 9 from the source I was aware of.

09:53AM 10 Q. Who was the source?

09:53AM 11 A. The first guy that I mentioned earlier, the faded hair
09:53AM 12 with the dreads, and then, after that, me and my cousin
09:53AM 13 Torrence, we'll be talking and he was, you know, telling me
09:53AM 14 about the Mexican source of supply.

09:53AM 15 Q. Do you remember the Mexican source of supply name?

09:53AM 16 A. No.

09:53AM 17 Q. At that point when Letorrance Travis was arrested in
09:53AM 18 2011, was Aaron Hicks involved in the drug conspiracy?

09:53AM 19 A. Yes.

09:53AM 20 Q. To your knowledge, was Roderick Arrington involved?

09:54AM 21 A. Yes.

09:54AM 22 Q. Now you mentioned that you never dealt directly with
09:54AM 23 Mr. Arrington?

09:54AM 24 A. Yes. I never dealt with him.

09:54AM 25 Q. Had you seen him involved in the drug conspiracy?

09:54AM 1 A. Yes.

09:54AM 2 Q. If we can put up what's been entered into evidence as

09:54AM 3 Government Exhibit 25B?

09:54AM 4 THE DEFENDANT: I object to this, Your Honor.

09:54AM 5 THE COURT: Overruled.

09:54AM 6 MR. LENIHAN: All right. And we're looking at 25B

09:54AM 7 here and there's the name Ra.

09:54AM 8 A. Yes.

09:54AM 9 Q. Who is that in reference to?

09:54AM 10 A. This is Ra Ra. Stand for Rah.

09:54AM 11 Q. Is there any other area that is part of this conspiracy?

09:54AM 12 A. No.

09:54AM 13 Q. And when it stays 12.0, what is your understanding of

09:54AM 14 that?

09:54AM 15 A. That was grams.

09:55AM 16 Q. All right. If we could take that down. Now, you

09:55AM 17 testified as part of your cooperation. Do you remember

09:55AM 18 testifying in front of the Grand Jury?

09:55AM 19 A. Yes. I testified in front of the Grand Jury.

09:55AM 20 Q. Did you testify in three prior proceedings in court as

09:55AM 21 well?

09:55AM 22 A. I'm sorry?

09:55AM 23 Q. Did you testify in three other proceedings in court?

09:55AM 24 A. Yes.

09:55AM 25 Q. As part of your cooperation with the government, did you

09:55AM 1 have to be truthful?

09:55AM 2 A. Yes.

09:55AM 3 Q. Was that cooperation made known to the Court?

09:55AM 4 A. Yes.

09:55AM 5 Q. And who ultimately sentenced you based on your
09:55AM 6 cooperation?

09:55AM 7 A. Your Honor, Judge --

09:55AM 8 Q. Judge Arcara right here?

09:56AM 9 A. Yes.

09:56AM 10 THE DEFENDANT: Judge, he bolstering his credibility,
09:56AM 11 Your Honor.

09:56AM 12 THE COURT: Overruled.

09:56AM 13 BY MR. LENIHAN:

09:56AM 14 Q. You were asked if you were a changed man or not?

09:56AM 15 A. Yes. I was asked that.

09:56AM 16 Q. Since you have been released, have you gotten a job?

09:56AM 17 A. Yes.

09:56AM 18 Q. What are you doing for a living right now?

09:56AM 19 A. I have my CDL. I drive 18-wheelers.

09:56AM 20 Q. How is it going for you?

09:56AM 21 A. It's going great.

09:56AM 22 Q. What is it like to come here and testify in front of this
09:56AM 23 jury in open court?

09:56AM 24 A. Not being able to go to work, it's a second day, it's new
09:57AM 25 to me. It's different.

09:57AM 1 THE COURT: Next question please.

09:57AM 2 MR. LENIHAN: Yes, Your Honor.

09:57AM 3 BY MR. LENIHAN:

09:57AM 4 Q. When you testified previously, were you looking to get a

09:57AM 5 sentencing benefit?

09:57AM 6 A. Yes.

09:57AM 7 Q. At any point are you looking for any benefit whatsoever?

09:57AM 8 A. No.

09:57AM 9 MR. LENIHAN: No further questions, Your Honor.

09:57AM 10 THE DEFENDANT: Your Honor, I'd like to recross. The

09:57AM 11 government opened the door to certain things.

09:57AM 12 THE COURT: All right.

09:57AM 13 BY THE DEFENDANT:

09:57AM 14 Q. You said I was involved in this drug conspiracy with

09:57AM 15 these guys. When did I get involved about this drug

09:57AM 16 conspiracy?

09:57AM 17 A. That would be when you came home, was released.

09:58AM 18 Q. Do you have personal knowledge of me being involved with

09:58AM 19 this drug conspiracy you know how long I was in jail for?

09:58AM 20 A. You? No, I can't say I know how long you was in actual

09:58AM 21 jail for. I don't know which charge it was for. I remember

09:58AM 22 there was the incident a long time ago. You was with a

09:58AM 23 gentleman by the name of Bonkers.

09:58AM 24 Q. I didn't ask you that. I asked you, did you know how

09:58AM 25 long I was in jail for?

09:58AM 1 A. No.

09:58AM 2 Q. What was my involvement in this drug conspiracy in 2011,

09:58AM 3 your personal knowledge?

09:58AM 4 A. I never observed you actually get drugs, but you came

09:58AM 5 around, was around at the house and my cousin Letorrance

09:59AM 6 Travis. He done talk about giving you drugs and things like

09:59AM 7 that.

09:59AM 8 Q. Who talk about?

09:59AM 9 A. Letorrance.

09:59AM 10 Q. They talk to me or you?

09:59AM 11 A. He talked to me.

09:59AM 12 Q. And that's your interpretation; that I was involved in

09:59AM 13 the drug conspiracy. Do you have any personal knowledge that

09:59AM 14 I was getting any drugs or dropping any money off? Did you

09:59AM 15 personally see me being involved in any drug conspiracy?

09:59AM 16 A. I didn't observe you dropping no money or anything other.

09:59AM 17 Q. Could you put a time, dates, on this alleged -- you

09:59AM 18 witnessed me being involved in this drug conspiracy?

09:59AM 19 A. This is the Summer of 2011.

09:59AM 20 Q. You don't know what month?

09:59AM 21 A. No. I can't recall the month.

09:59AM 22 Q. So, you don't have nothing to collaborate what you are

09:59AM 23 saying as true?

09:59AM 24 MR. LENIHAN: Objection.

09:59AM 25 THE COURT: Sustained.

10:00AM 1 BY THE DEFENDANT:

10:00AM 2 Q. You just testified on a drug ledger and said Ra is me.

10:00AM 3 How can you come to those terms without -- you are not even

10:00AM 4 the author of that. So, how can you say Ra is me? What --

10:00AM 5 that's not even how I spell my name. You know how I spell my

10:00AM 6 name?

10:00AM 7 A. I don't spell it. My cousin doesn't even spell it

10:00AM 8 correctly.

10:00AM 9 Q. How you know it was me?

10:00AM 10 A. He talk about you owe him some money when you got out

10:00AM 11 there. That's the list he had.

10:00AM 12 Q. If Torrence come here --

10:00AM 13 MR. LENIHAN: Objection.

10:00AM 14 THE COURT: Sustained.

10:00AM 15 THE DEFENDANT: No further questions, Your Honor.

10:01AM 16 THE COURT: All right. The witness is excused.

17 (The witness was excused at 10:01 a.m.)

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3 I certify that the foregoing is a
4 correct transcription of the proceedings
5 recorded by me in this matter.

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9 s/ Megan E. Pelka, RPR

10 Official Court Reporter

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